

24 CV 438 ✓

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. **Full Name of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

Ms. Kimberly R. GARCIA

-VS-

B. **Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

- | | |
|--|--|
| 1. Michael J. YEAW | 4. Wyoming County Sheriff's Office |
| 2. ROSE H. Chiauuzzi | 5. " Candy Distac Attorney's |
| 3. Keri Witherow (formerly KEN Witherow) | 6. Wyoming County Corrections Facility |
| | 7. Daily NEWS (BATAVIA NEWSPAPER & ONLINE) |

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections **MUST** be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: Warsaw Village Court, 83 Center Street Warsaw, NY 14569
MARK J. Sundt Village Justice "Dec. 7, 2022 Officer YANSICK, JAMES PL 215.50 03

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Falsely Arrested, HARASSED, INCARCERATED, IMPROPER INVESTIGATION, FALSELY ACCUSED, AND WRONGFULLY CONVICTED UNDER NON DUE PROCESS.

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: Discrimination of a DISABLED VETERAN WHOM SUFFERED PTSD & SEXUALLY EXPUATION OF SELF, ROOMMATE & WAS PROFILED, TARGETED & WRONFULLY INCARCERATED IN A COVER-UP & FALSE ALLEGATIONS FROM MICE YEAW & ROSE H. CHIAUZZI

3. PARTIES TO THIS ACTION**PLAINTIFF'S INFORMATION NOTE:** To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: Kimberly R. GARLAND

Present Address: 589 East Main Street, Apt. #302 (Liberty Square) Bldg.
BATAVIA, NY 14569 — also P.O. Box 556 Milligan College, TN 37682
(372 ONE BOOT CAMPBELL Rd., MILLIGAN COLLEGE, TN 37682)

Name of Second Plaintiff: Family Member of Kimberly R. GARLAND

Present Address: P.O. Box 556 Milligan College, TN 37682

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: MIKE J. YEAW (LINDEN DRIVE WARSAW) 42 Culver Ave #13, Rochester, NY, Colorado

Official Position of Defendant (if relevant): Confidential Informant used by the WARSAW Village DA's Office

Address of Defendant: (unknown) fled the State due to multiple various Federal Charges
Pending not including this one

Name of Second Defendant: Rose H. Chiuuzzi

Official Position of Defendant (if relevant): CEO of Hello Revamped. (ONLINE ONLY FANS, SELF EMPLOYED)

Address of Defendant: 42 Culver Ave, Apt #13 WARSAW VILLAGE (2nd BUILDING ON THE
LEFT) upstairs on the @ #13, "SILVER INFINITIE 2016 or 2017 MODEL VEHICLE.

Name of Third Defendant: WYOMING COUNTY SHERIFFS OFFICE, 151 N. MAIN STREET

Official Position of Defendant (if relevant): CHIEF OF POLICE, HOFFMEISTER, OFFICER MIKE JANVORSKI,

Address of Defendant: 151 N. MAIN STREET, WARSAW NY 14569

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Rose Chiuuzzi, Mike Yeaw, Kimberly Garland, Charley Herb, Attorney
MARSHALL KELLEY, DA in WARSAW VILLAGE Courts, INVESTIGATOR OSBORNE, OFFICER
MIKE JANVORSKI, OFFICER LIBERMAN, Corrections Officer Beckstrand or Judge MORAN

- Defendant(s): Myself, Kimberly R GARLAND since Sept. (2019-2024) Multiple
Arrested & charged, initially based OF (FALSE ACCUSATIONS) & PRE-MEDITATED ENTRAPMENT
2. Court (if federal court, name the district; if state court, name the county): WESTERN DISTRICT, NEW YORK
UNITED STATES OF AMERICA (BUFFALO)
3. Docket or Index Number: INDICTMENT NO. 8460
4. Name of Judge to whom case was assigned: Michael M. MOHUN "WYOMING COUNTY COURT JUDGE"
5. The approximate date the action was filed: OCT - NOV - JAN, 2019 — AUG. 2023 & 2024
6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. still in process of Jury selection 5/6/2024

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) Dated December 2019,

defendant (give the **name and (if relevant) the position held** of **each defendant** involved in this incident) MIKE J. YEAW
ALONG WITH CAROL FALCO & ROSE H. CHIAUZZI, PLANNED, TEXTED, COORDINATED & ORGANIZED A
FALSE CHARGE IN DIRECT UNLAWFUL INCARCERATION, HARASSMENT, AND IMPRISONMENT
OF MYSELF, KIMBERLY R. GARLAND, SEXUAL EXPLOITATION ATTEMPTED SEX TRAFFICKING &
Physical Attacks, Abuse, False Claims, PERJURY UNDER OATH, FALSE WITNESS.

did the following to me (briefly state what each defendant named above did): Mr. VRAW lied
to Officer Jansowski, Chief Hoffmeister, DA Abernathy & THE COURTS UNDER OATH
IN WARSAW VILLAGE TO HAVE ME FALSELY ARRESTED, HARASSED, JOB LOSS, HOMELESS-
NESS, AND ABUSE OF MYSELF. KIMBERLY R. GARLAND, at that time living w/ ROSE
CHIAZZI, 42 CULVER AVE. APT #13, WARSAW NY. "RESIDENT TERRY KAHL, CAROL ANN
KAHL @ 169 LINDEN Road, WARSAW was renting to (said) MIKE J. VRAW.

MORE PARTIES INVOLVED CHARLEY HEEB, OFFICER MIKE JANSOWSKI, OFFICER URSCHMIDT,
CHIEF HOFFMEISTER, DA' ABERNATHY, INVESTIGATOR OSBURN, & SHERIFF'S OFFICE OF CANTON NY.

The federal basis for this claim is: COVER-UP & DISCRIMINATION OF VETERAN, KIMBERLY R. GARLAND
554 E. MAIN STREET, BATAVIA NY, 14569, (also Address in Tennessee for Security)

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

- Suppress all Phone Records from Mike J. VRAW personal use in 2019-2024
" all Phone Records from ROSE A. CHIAZZI " use in 2019-2024
Suppress " Phone Record from Sept. 2019 - 2022 CAROL FALCO, Tina White, R. Chiazzi

B. SECOND CLAIM: On (date of the incident) Nov. 2019, after being in jail for Chiazzi &
defendant (give the name and (if relevant) position held of each defendant involved in this incident) Attorney James
Doyle, along with Mike J. VRAW, planned, premeditated & conspired to ARSON, MURDER,
SLANDER, INCEST & BRING FALSE CHARGES TO KIMBERLY R. GARLAND.

did the following to me (briefly state what each defendant named above did): LIED to Police, Lied to DA,
HAD R. Chiazzi lie under persuasion & DA's attempt to bring false allegations into Cover up
of Sex trafficking & prostitution, of Rose Chiazzi, Mallory, TRISTAN SANCHEZ, MYSELF,
Charley HEEB, other involved in close proximity of ROSE CHIAZZI. ORGANIZED BY TERRY
KAHL w/ Cohesion of CAROL ANNE KAHL, GRANDMOTHER CAROL FALCO along(w) MIKE J. VRAW
residing at 164 Linden Drive (I think) WARSAW VILLAGE, NY 14569 (unsure of address)
Police are aware of whereabouts of the KAHLs former residence.

The federal basis for this claim is: DISCRIMINATION OF DISABILITY & SEX TRAFFICKING COVER-UP
OF 42 CULVER AVE, APT #13, WARSAW NEW YORK. DAMAGES, SLANDER, FALSE ARRESTS.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

TRIP OR CHARGES PLACED ON PARTIES INVOLVED UNDER GANG RELATED
CONSPIRACY OR RICO LAW TO BRING HARM & CONSPIRACY TO COVER UP & EXPLOIT
KIMBERLY R. GARLAND DATED NOV. 2019 - PRESENT PREY 2024.

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Retraction from Daily News Apologizing for Stealnews / False Charges and
"LOVE DON'T JUDGE" Article & News, ONLINE SOCIAL MEDIA RETRACTION, PUNITIVE
DAMAGES OF UNDISCLOSED AMOUNT, BUT INCLUDING 1,000.00 per Day of FALSE
IMPRISONMENT FROM UNLAWFULLY ARRESTED, PROBATED, INCARCERATED UNDER UNLAWFUL
DUE PROCESS & DURESS BASED ON MY VETERAN STATUS & ATTEMPTED SEX EXPLOITATION

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Laurel R. Galt May 4, 2024

Signature(s) of Plaintiff(s)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input checked="" type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

WRONGFULLY ARRESTED, PROFILED, IMPRISONED & EXPLOITED & SLANDER

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE